

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

In re Anthony Michael Gioiosa, Sr.

Case No. 2:22-cv-00244-GMN-DJA

Order

I. Discussion.

On February 8, 2022, Plaintiff, an inmate in the custody of High Desert State Prison, filed an initiating document, which appears to be a letter. (ECF No. 1). Plaintiff has not filed an application to proceed *in forma pauperis* in this matter or submitted a filing fee.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and
- (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Plaintiff a **one-time** opportunity to file a complaint and a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$402 filing fee for this action on or before **Thursday, May 12, 2022**. Absent unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff is unable to file a complaint and a fully complete application to

1 proceed *in forma pauperis* with all three required documents or pay the full \$402 filing fee on or
 2 before **Thursday, May 12, 2022**, the Court will dismiss this case without prejudice for Plaintiff
 3 to file a new case with the Court when Plaintiff is able to file a complaint and able to acquire all
 4 three of the documents needed to file a fully complete application to proceed *in forma pauperis*
 5 or pay the full \$402 filing fee. To clarify, a dismissal without prejudice means Plaintiff does not
 6 give up the right to refile the case with the Court, under a new case number, when Plaintiff is
 7 able to file a complaint and has all three documents needed to submit with an application to
 8 proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an application to
 9 proceed *in forma pauperis* and instead pay the full filing fee of \$402 on or before **Thursday,**
 10 **May 12, 2022** to proceed with this case.

11 **II. Conclusion.**

12 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court is kindly directed
 13 to send Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as
 14 well as the document entitled information and instructions for filing an *in forma pauperis*
 15 application.

16 IT IS FURTHER ORDERED that on or before **Thursday, May 12, 2022**, Plaintiff will
 17 either pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the
 18 \$52 administrative fee) or file with the Court:

- 19 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
 20 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on
 21 page 3),
- 22 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
 23 official (i.e. page 4 of this Court's approved form), and
- 24 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
 25 **six-month period.**

1 IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint and a fully
2 complete application to proceed *in forma pauperis* with all three documents or pay the full \$402
3 filing fee for a civil action on or before **Thursday, May 12, 2022**, the Court will recommend that
4 this action be dismissed without prejudice.
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6 DATED: April 12, 2022.

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9 DANIEL J. ALBREGTS
10 UNITED STATES MAGISTRATE JUDGE
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